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Scott A. Welner
Commissioner

**IN THE MATTER OF CERTAIN AMENDMENTS
TO THE ADOPTED AND APPROVED SOLID
WASTE MANAGEMENT PLAN OF THE
CAMDEN COUNTY SOLID WASTE
MANAGEMENT DISTRICT**

**CERTIFICATION
OF THE DECEMBER 17, 1992
AMENDMENT TO THE CAMDEN COUNTY
DISTRICT SOLID WASTE MANAGEMENT PLAN**

BY ORDER OF THE COMMISSIONER:

A. Introduction

The New Jersey Solid Waste Management Act (N.J.S.A. 13:1E-1 et seq.) established a comprehensive system for the management of solid waste in New Jersey. The Act designated all twenty-one (21) of the state's counties, and the Hackensack Meadowlands District, as Solid Waste Management Districts, and mandated that the Boards of Chosen Freeholders and the Hackensack Meadowlands Development Commission develop comprehensive plans for waste management in their respective districts. On September 26, 1980, the Department of Environmental Protection approved, with modifications, the Camden County District Solid Waste Management Plan (County Plan).

The Act requires that all district plans be based on and accompanied by a report detailing the existing waste disposal situation in the district, and a plan which includes the strategy to be followed by the district in meeting the solid waste management needs of the district for a ten-year planning period. The report must detail the current and projected waste generation for the district, inventory and appraise all facilities in the district, and analyze the waste collection and transportation systems which serve the district. The disposal strategy must include the maximum practicable use of resource recovery techniques. In addition to this strategy, the plan must designate sufficient available suitable sites for the disposal of the district's waste for a ten-year period, which sites may be in the district or, if none are available, in another district. (The Act provides procedures for reaching any necessary interdistrict agreements.)

The Act further provides that a district may review its County Plan at any time and, if found inadequate, a new County Plan must be adopted. The Camden County Board of Chosen Freeholders (County Freeholders) completed such a review and on December 17, 1992, adopted an amendment to its approved County Plan.

As adopted, the amendment proposed to:

1. Delete incineration units at the Stratford and Cherry Hill divisions of Kennedy Memorial Hospital, Camden County;
2. Allow the Stratford and Cherry Hill hospital divisions to replace their former incinerator units in the future with either a microwave or disinfection processing system; and
3. Include a Safetec Z-5000 Medical Waste Processing/Disinfection System at the Cherry Hill division of Kennedy Memorial Hospital, Camden County as that division's current alternative regulated medical waste processing technology.

The amendment was received by the Department of Environmental Protection and Energy (Department or DEPE) on January 19, 1993 and copies were distributed to various administrative review agencies for review and comment, as required by law. The Department has reviewed this amendment, as well as the entire County Plan, and has determined that the amendment adopted by the County Freeholders on December 17, 1992 is approved, with one minor exception, as provided in N.J.S.A. 13:1E-24. While the immediate plan amendment has been approved, with one minor exception, a serious deficiency in the County Plan has been identified within Section C. of this certification.

B. Findings and Conclusions with Respect to the Camden County District Solid Waste Management Plan Amendment

Pursuant to N.J.S.A. 13:1E-24a(1), I have studied and reviewed the December 17, 1992 amendment to the County Plan according to the objectives, criteria, and standards developed in the Statewide Solid Waste Management Plan and I find and conclude that this plan amendment is consistent with the Statewide Solid Waste Management Plan except as noted below. In this regard, the County Freeholders and the applicant are notified of the issues of concern relative to the December 17, 1992 amendment which are included below.

In conjunction with the review of the amendment, the Department circulated copies to seventeen administrative review agencies and solicited their review and comment. Pursuant to N.J.S.A. 13:1E-24a(2) and (3), these agencies included various bureaus, divisions, and agencies within the Department. These agencies are the following:

Office of Energy, DEPE
Land Use Regulation Element, DEPE
Groundwater Quality Management Element, DEPE
Wastewater Facilities Regulation Element, DEPE
Division of Parks and Forestry, DEPE
Division of Fish, Game and Wildlife, DEPE

Division of Solid Waste Management, DEPE
Green Acres Program, DEPE
Pinelands Commission
New Jersey Turnpike Authority
New Jersey Advisory Council on Solid Waste Management
Department of Agriculture
Department of Health
Department of Transportation
Department of Community Affairs
Department of the Public Advocate
U.S. Environmental Protection Agency

1. Agency Participation in the Review of the December 17, 1992 Amendment

The following agencies did not object to the proposed plan amendment:

Office of Energy, DEPE
Division of Parks and Forestry, DEPE
Pinelands Commission
New Jersey Advisory Council on Solid Waste Management
Department of Agriculture
Department of Transportation

The following agencies did not respond to the Department's requests for comments:

Land Use Regulation Element, DEPE
Groundwater Quality Management Element, DEPE
Wastewater Facilities Regulation Element, DEPE
Division of Fish, Game and Wildlife, DEPE
Green Acres Program, DEPE
New Jersey Turnpike Authority
Department of Health
Department of Community Affairs
Department of the Public Advocate
U.S. Environmental Protection Agency

The following agency submitted substantive comments which are further addressed below:

Division of Solid Waste Management, DEPE

2. Issues of Concern Regarding the December 17, 1992 Amendment

Issue: Regulatory Requirements

The proposal of the Cherry Hill division of Kennedy Memorial Hospital to install a Safetec Z-5000 Medical Waste Processing/Disinfection System for the treatment of medical waste requires the facility to register as a medical waste destination facility pursuant to N.J.A.C. 7:26-3A.8. Also, an air pollution control permit from the Department will be required pursuant to N.J.A.C. 7:27-8.2(a)16. Additionally, for such a system, the Department of Health has established efficacy guidelines which are now

required as part of the Department's permitting process. The use of crushers, chippers and shredders will necessitate the control of particulate emissions to the air and pursuant to N.J.A.C. 7:27-8.2(a), 7, 11, 15 and 16, air pollution control permits are required. Finally, if the operation of the proposed facility will discharge pollutants as defined in N.J.A.C. 7:14A-1.9, the facility must obtain a New Jersey Pollutant Discharge Elimination System permit and/or a Treatment Works Approval for pollutant discharge prior to operation.

Issue: Interdistrict/Intradistrict Solid Waste Flows

The amendment states that the waste, after processing through the Z-5000 disinfection system, will be directed to the Pennsauken Landfill. Directing residue to the Pennsauken Landfill is inconsistent with previous amendments of May 7, 1992 and September 19, 1991 which specified that residue from hospital microwave disinfection units would be directed to the South Camden incinerator. Further, according to the Interdistrict and Intradistrict Solid Waste Flows Rules found at N.J.A.C. 7:26-6.5(d), all waste type 10 generated from within Cherry Hill shall be directed to the South Camden incinerator located in Camden City, Camden County. Therefore, since waste processed by the disinfection system is considered to be type 10 waste, the direction of all waste processed at the Cherry Hill division of the Kennedy Memorial Hospital to the Pennsauken Landfill as specified within the amendment is incorrect and in violation of N.J.A.C. 7:26-6.5(d). Based upon a conversation with the Director, Camden County Division of Solid Waste Management, to clarify the intent of the amendment, it was learned that the County had not planned to formally modify the waste flow rules exclusively for these two hospitals. Therefore, this stipulation, as noted in Section C., is rejected.

C. Certification of the Camden County District Solid Waste Management Plan Amendment

In accordance with N.J.S.A. 13:1E-1 et seq., specifically N.J.S.A. 13:1E-21, which establishes specific requirements regarding the contents of the district solid waste management plans, I have reviewed the December 17, 1992 amendment to the approved County Plan and certify to the County Freeholders that the December 17, 1992 amendment is approved, with one minor exception, as further specified below.

1. December 17, 1992 Amendment

The County Plan inclusion of the Safetec Z-5000 Medical Waste Processing/Disinfection System to be installed at the Cherry Hill division of Kennedy Memorial Hospital, Camden County as that division's current alternative regulated medical waste processing technology is approved. The unit will process "sharps" (i.e. syringes, needles, etc.) hard plastic, and glass generated from the Cherry Hill division. Further, the deletion from the County Plan of former incineration units at the Stratford and Cherry Hill divisions of the Kennedy Memorial Hospital is approved. Additionally, the County Plan inclusion of allowing each hospital division to replace its former incineration unit in the future

with either a microwave or disinfection processing system is approved. Finally, the disposal of all residue processed by the Safetec Z-5000 Medical Waste Processing/Disinfection System shall be in conformance with the Intradistrict and Interdistrict Solid Waste Flow Rules (N.J.A.C. 7:26-6.6 et seq.). Therefore, as noted in Section B., the stipulation that all residue from the microwave disinfection unit of the Cherry Hill division of the Kennedy Memorial Hospital be disposed of at the Pennsauken Landfill, and not the South Camden incinerator, is rejected.

2. Camden County District Solid Waste Management Plan Deficiencies

a. County Plan Overview

In its May 19, 1992 certification of the December 5, 1991 amendment (the CLEAR Plan), the County was directed to more fully address within 180 days the recommendations of the Governor's Emergency Solid Waste Assessment Task Force Final Report. This deficiency was to have been addressed in a subsequent plan amendment submission by November 14, 1992. Until the County addresses this outstanding issue, the County Plan will remain seriously deficient. Therefore, due to the serious nature of this deficiency, I hereby direct the County to address the noted deficiency immediately. The continued failure of the County to comply with this directive may result in withholding and reallocation of Solid Waste Services Tax moneys, withholding of the County's Resource Recovery Investment Tax moneys, and/or initiating appropriate enforcement action.

b. Expanded Materials Separation Prior to Incineration

The Department has also reviewed the entire County Plan focusing upon the existing incinerator operations and the need to remove additional constituents from the incoming waste stream to ensure a reduction in facility emissions; in particular mercury. The Department is committed to the use of best available air pollution controls at existing facilities, as well as the application of the most stringent standards within permits. The Department, as part of the "Task Force on Mercury Emissions Standard Setting" (Mercury Task Force), is currently working toward development of a statewide mercury emission standard for municipal solid waste incinerators, involving both air quality control technologies and identification and implementation of specific measures to reduce the content of mercury in the solid waste stream. The mercury task force completed its preliminary report, which includes an evaluation of both environmental and health issue and technical and regulatory issues, in August 1992 and distributed this document for public comment through November 1992. A public hearing on the preliminary report was held on October 26, 1992. The Department recently published the findings and recommendations of the Mercury Task Force in the interim report on proposed mercury emission standards in December 1992 and will be issuing the final report in May 1993. The Department will continue to work closely with incinerator operators to have system modifications installed to implement use of best available control technology.

The County planning process must complement the future installation of more advanced air pollution control equipment and intended permit modifications to ensure necessary reductions in mercury from the solid waste stream. As a result of the efforts of the Mercury Task Force and the referenced public hearing process, the Department is considering implementation of an interim and final mercury emission standard of 65 and 28 mg/dscm. From the task force's technical research, available air pollution control equipment can result in significant reductions (up to 80%) of mercury based upon current emission levels. A portion of this emission standard will be achieved through source reduction programs as manufacturer's redesign their products to eliminate or minimize mercury content. Source separation programs will also remove mercury from the processible waste stream. Therefore, in order to fully achieve interim and final standards of 65 and 28 mg/dscm, it will be necessary for counties that dispose of solid waste in incinerators to develop plans and schedules for the removal of sources of mercury from the waste stream.

Toward the above goal, the County is hereby ordered to submit a report to the Department within 120 days of this certification which outlines plans and specific timetables for the removal of materials of concern from the incoming solid waste stream. At a minimum, the plan must address:

- * Efforts already being used by the County for removal of discarded products which contain hazardous substances or constituents from the waste stream, particularly mercury;
- * Specific plans and timeframes for the removal and separate management of dry cell batteries, fluorescent light bulbs, thermometers, mercury switches, and thermostats, all of which contain mercury and other heavy metals, particularly cadmium and lead;
- * An inventory of potential generators of the above materials, such as jewelers, hospitals and large commercial/institutional/industrial buildings and plans for education and separate collection/drop-off of these materials;
- * Specific plans and timeframes for the removal of wallboard, grass and other yard wastes from the incoming waste stream toward further reducing sulphur dioxide (SO₂) and nitrogen oxide (NO_x) emissions;
- * An inventory of large generators of wallboard and plans for education and separate collection/drop-off and disposal (nonincineration) of this material;
- * Plans for implementing a combination of the Department's "Grass: Cut-it and Leave-it" programs, backyard composting and/or compost facility development or expansion plans to include management of grass clippings. This must include an inventory of existing facilities which accept grass for composting, as well as a listing of all landscapers operating within the County;

- * Specific plans and timeframes for developing comprehensive recycling and waste diversion programs which support the prohibition from acceptance at the incinerator of paints, tires, electronics and vehicular materials, such as batteries, from the residential, commercial, institutional and industrial sectors to further reduce the potential for toxic materials entering the facility; and
- * Specific plans and schedules for expanding existing household hazardous waste collection programs and/or the development of a permanent household hazardous waste collection facility and management program for the County.

This report must be submitted within 120 days of this certification and is not required to be submitted in plan amendment form. Department staff within the Division of Solid Waste Management and the Policy and Planning Program will be available at any time to assist the County.

D. Other Provisions Affecting the Plan Amendment

1. Contracts

Any contract renewal or new contract for solid waste collection or disposal which is inconsistent with this amendment to the County Plan and which was executed prior to the approval of this amendment and subsequent to the effective date of the Solid Waste Management Act (July 29, 1977), and which shall further be for a term in excess of one year, shall immediately be renegotiated in order to bring same into conformance with the terms and provisions herein set forth. Any solid waste collection operation or disposal facility registered by the Department and operating pursuant to a contract as herein described, shall be deemed to be in violation of this amendment and of the County Plan if such renegotiation is not completed within ninety (90) days of the effective date of this amendment provided, however, that any such registrant may, upon application to the Department, and for good cause shown, obtain an extension of time to complete such renegotiation.

2. Compliance

All solid waste facility operators and transporters registered with the Department and operating within the County and affected by the amendment contained herein shall operate in compliance with this amendment and all other approved provisions of the County Plan. Any facility operator or transporter who fails to comply with the provisions contained herein shall be deemed to be in violation of N.J.S.A. 13:1E-1 et seq., in violation of N.J.A.C. 7:26-1 et seq., and in violation of their registration to operate a solid waste facility or a collection system issued thereunder by the Department and shall be subject to the provisions and penalties of N.J.S.A. 13:1E-9 and 12 and all other applicable laws.

3. Types of Solid Wastes Covered by the District Solid Waste Management Plan

The provisions of the County Plan shall apply to all solid wastes defined in N.J.S.A. 13:1E-3 and N.J.A.C. 7:26-2.13 and shall not apply to liquid wastes, sewage sludge, septage, and hazardous wastes. All nonhazardous materials separated at the point of generation for sale or reuse are excluded from the waste flows designated in the Interdistrict and Intradistrict Solid Waste Flow Rules set forth at N.J.A.C. 7:26-6, but are subject to regulation in accordance with N.J.A.C. 7:26A-1 et seq.

4. Certification to Proceed with the Implementation of the Plan Amendment

This document shall serve as the certification of the Commissioner of the Department to the County Freeholders and pursuant to N.J.S.A. 13:1E-24c and f, the County shall proceed with the implementation of the approved amendment certified herein.

5. Definitions

For the purpose of this amendment and unless the context clearly requires a different meaning, the definitions of terms shall be the same as those found at N.J.S.A. 13:1E-3 and -99.12, N.J.A.C. 7:26-1.4 and -2.13, and N.J.A.C. 7:26A-1.3.

6. Effective Date of the Amendment

The amendment to the County Plan contained herein shall take effect immediately.

7. Reservation of Authority

Nothing contained herein shall be construed as a limitation on any other action taken by the Department pursuant to its authority under the law. The County Plan, including any amendment made thereto, shall conform with the Statewide Solid Waste Management Plan. The Department has published a Statewide Solid Waste Management Plan, with appendices, which includes the Department's planning guidelines, rules, regulations, orders of the Department, interdistrict and intradistrict waste flow rules, and also includes the compilation of individual district plans and amendments as they are approved.

E. Certification of Approval of the Amendment and Notification of Deficiency by the Commissioner of the Department of Environmental Protection and Energy

In accordance with the requirements of N.J.S.A. 13:1E-1 et seq., I hereby approve the amendment with one minor exception, as outlined in Section C. of this certification, to the Camden County District Solid Waste Management Plan which was adopted by the Camden County Board of Chosen Freeholders on December 17, 1992. I hereby also require, as noted in Section C., the Camden County Board of Chosen Freeholders to address the noted deficiency within the timeframe specified.

6-16-93

DATE



SCOTT A. WEINER

COMMISSIONER

DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND ENERGY